

08.07.2024
Item no. 29.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1050 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No.63 of 2023 Dated 23.3.2023 under Sections 21C/22C/23C 25/27A/28/29 of the NDPS Act

And

In the matter of : Biman Sarkar & Anr.

.....Petitioners.

Mr. Anirban Guhathakurta,
Mr. Sujan Chatterjee,
Mr. Bappaditya Dasgupta,
Ms. Souparna Sinha

.....for the Petitioners.

Mr. Atif Ahmed Siddiqui

.....for the State.

The petitioners claim parity. They say that the person, from whose house the seizure of contraband item was made, has been granted bail by this Court by an order dated June 19, 2024, in CRM (NDPS) 913 of 2024.

Learned Advocate for the State, in his usual fairness, agrees that these petitioners stand on the same footing as the other person, who was enlarged on bail.

Hence, we are inclined to allow the prayer of the petitioners on the ground of parity.

Accordingly, we direct that the petitioners, namely **Biman Sarkar and Ankit Gupta @ Guddu** shall be released on bail upon furnishing a bond of Rs.25,000/-each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Judge, Special Court under the NDPS Act, Dakshin Dinajpur at Balurghat, and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)